

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 21-cr-0015-bhl

DENNIS J. SCHAUMBERG,

Defendant.

ORDER

On August 16, 2024, the Court denied Defendant Dennis J. Schaumberg's motion for compassionate release finding that the defendant did not meet his burden of demonstrating "extraordinary and compelling circumstances" warranting his immediate release from custody or a reduction in his sentence. (ECF No. 54.) Based upon a review of Schaumberg's medical records, the Court noted that there was "no evidence to substantiate Schaumberg's claim to the warden at FCI Oxford that he has prostate cancer." (*Id.* at 4.) Schaumberg has now filed a motion for reconsideration, ECF No. 56, claiming that he never received the government's response to his motion, ECF No. 52. In addition, Schaumberg submits results from a June 4, 2024 MRI, received by Schaumberg after the government submitted its response, showing that Schaumberg's prostate is enlarged at 5.6 cm x 4.7 cm x 6.0 cm, with a lesion measuring 1.1 cm x 0.7 cm x 0.6 cm. designating it as a PI-RADS 4 lesion. (ECF No. 56-1 at 1.) A PI-RADS 4 risk level is "High" and "clinically significant [as] cancer is likely to be present." (*Id.* at 2.) Schaumberg has a family history of prostate cancer. (*Id.*) Schaumberg states that he has not received any follow-up medical care since the June 4, 2024 MRI report. (ECF No. 56 at 1.) The defendant requests that the Court reconsider its denial to allow defendant the opportunity to reply to the government's response.

The Court will grant the defendant's request for reconsideration and order additional briefing. The Court instructs the government to contact the Bureau of Prisons regarding the defendant's MRI, request any additional medical records not already received by the Court, and respond to the defendant's motion for reconsideration on or before November 25, 2024. In

particular, the government is to consider whether the defendant's June 4, 2024 MRI demonstrates "extraordinary and compelling reasons" pursuant to U.S.S.G. §§ 1B1.13(b)(1)(A), (B), and/or (C). The defendant may file a reply to the government's response on or before December 16, 2024.

Accordingly,

IT IS ORDERED that the defendant's motion for reconsideration, ECF No. 56, is **GRANTED** and the Court will reconsider its August 16, 2024 Order denying the defendant's motion for compassionate release after receiving the assistance of additional briefing as ordered.

IT IS FURTHER ORDERED that that government respond to the defendant's motion for reconsideration consistent with this Order, on or before **November 25, 2024**. The defendant may file a reply to the government's response on or before **December 16, 2024**.

IT IS FURTHER ORDERED that the Clerk of Court send a copy of the government's response, ECF No. 52, including the defendant's medical records filed under seal, ECF No. 53, to the defendant with this Order.

Dated at Milwaukee, Wisconsin on October 24, 2024.

s/ Brett H. Ludwig

BRETT H. LUDWIG

United States District Judge